

Remarks

Claims 10-16 and 20-32 are pending herein. Claims 20-29 are withdrawn from consideration as being directed to a non-elected invention. By this Amendment, claims 18 and 19 have been canceled, and claim 30 have been amended.

In the Office Action, claims 18 and 19 are objected to under 37 CFR 1.75(c); claims 30 and 32 are rejected under 35 U.S.C. §112, second paragraph; claims 10-12, 14-16, 18, 19 and 30-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 18-30 of U.S. Patent No. 6,686,457 to Nilsson (“Nilsson ‘457”); and claims 10, 18 and 30-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,444,655 to Nilsson (“Nilsson ‘655”).

In view of the amendments and remarks herein, Applicant respectfully requests reconsideration and withdrawal of the rejections and objection set forth in the Office Action.

I. Objection to Claims 18 and 19

Claims 18 and 19 are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. By this Amendment, claims 18 and 19 have been canceled.

II. Rejection of Claims 30 and 32 Under 35 U.S.C. §112

Claims 30 and 32 are rejected under §112, second paragraph, as being indefinite. According to the Office Action, the phrase “further wherein” in claim 30 renders the claim indefinite.

Claim 30 has been amended to clarify that the filtration material contains bound saccharide in the recited amount. Applicants respectfully submit that amended claim 30 and claim 32 are not indefinite.

III. Double Patenting Rejection of Claims 10-12, 14-16, 18, 19 and 30-32

Claims 10-12, 14-16, 18, 19 and 30-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 18-30 of Nilsson ‘457.

Applicants wish to delay the filing of a terminal disclaimer until the claims are in their final form, at which time it will be more clear as to whether a terminal disclaimer will still be required.

IV. Double Patenting Rejection of Claims 10, 18 and 30-32

Claims 10, 18 and 30-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of Nilsson '655.

Applicants wish to delay consideration of the filing of terminal disclaimers until the claims are in their final form, at which time it will be more clear as to whether terminal disclaimers will still be required.

V. Conclusion

In view of the amendments and remarks herein, Applicant respectfully requests that the rejections and objection set forth in the Office Action be withdrawn, and that claims 10-16 and 30-32 be allowed.

If any fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 033972.549252.

Respectfully submitted,
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